

5/7/02

THIS DISPOSITION IS
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Paper No. 15
BAC

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Pacific Telecard

Serial No. 75/845,318

Request for Reconsideration

James C. Wray, Esq. for Pacific Telecard.

Ellen J.G. Perkins, Trademark Examining Attorney, Law
Office 110 (Chris A.F. Pedersen, Managing Attorney).

Before Hairston, Chapman and Rogers, Administrative
Trademark Judges.

Opinion by Chapman, Administrative Trademark Judge:

On March 27, 2002 the Board affirmed the Examining
Attorney's refusal to register applicant's mark, PACIFIC
PHONE CARD, under Section 2(d) of the Trademark Act.
Applicant filed on April 26, 2002 a request for
reconsideration.

Applicant's two-sentence request reads in its entirety
as follows:

Kindly reconsider the decision dated March 27, 2002.

The decision does not take into account that the myriad uses of Pacific means that Pacific by itself has no status, and the fact that Pacific Bell and Pacific Phone are distinct in appearance, sound and meaning.

Applicant's mark, PACIFIC PHONE CARD (with "phone card" disclaimed), is for "telephone calling cards, not magnetically encoded." The Examining Attorney had cited five registrations, each including the word PACIFIC, one covering telephone communication and consulting services and the other four covering telephone calling card services, and all owned by the same entity.

In affirming the refusal to register, the Board carefully considered the similarities/dissimilarities of applicant's marks vis-a-vis each of the cited marks and we concluded, after thorough analysis, that (i) applicant's mark PACIFIC PHONE CARD and one cited mark PACIFIC TELEPHONE ("telephone" disclaimed) are similar in sound, appearance, connotation and commercial impression (Board decision, pp. 7-8); and (ii) applicant's mark and the other four cited marks (all commencing with the words PACIFIC BELL), are similar in sound and connotation, creating a similar commercial impression. (Board decision, pp. 8-13).

To whatever extent applicant is again arguing that the term PACIFIC is weak due to the number and nature of similar marks in use for related goods and/or services, we reiterate that there is no evidence of record on this point. (Board decision, p. 12.)

Applicant's request for reconsideration is denied.